

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PATENT**  
Attorney Docket No.: 026373-000300US  
Client Reference No.: 83741-7

On May 21, 2007

TOWNSEND and TOWNSEND and CREW LLP

By: Susan J. Johnson

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Tymianski et al.

Application No.: 10/584,831

I.A. Filing Date: December 22, 2004

For: POLYPEPTIDES FOR  
MODULATING BINDING OF TRP  
CHANNEL PROTEINS AND TRP-  
ASSOCIATED PROTEINS

Customer No.: 20350

Confirmation No.: 4093

Examiner: Unassigned

Art Unit: 1614

TRANSMITTAL LETTER –  
RESPONSE TO NOTIFICATION OF  
MISSING REQUIREMENTS UNDER  
35 USC 371

Attn.: Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated March 21, 2007, enclosed are the following to be made of record in the above-identified application:

- 1) Transmittal letter to the US Designated/Elected Office (DO/EO/US)  
Concerning a Filing Under 35 USC 371.

- 2) Executed Declarations Using and Application Data Sheet (37 CFR 1.76)  
(2), executed in counterpart.
- 3) Copy of Notification of Missing Requirements

Respectfully submitted,



Joe Liebeschuetz  
Reg. No. 37,505

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415 576-0300  
JOL:sjj

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>026373-000300US</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. <b>PCT/CA04/02193</b>	INTERNATIONAL FILING DATE <b>December 22, 2004</b>	PRIORITY DATE CLAIMED <b>December 23, 2003</b>
TITLE OF INVENTION <b>Polypeptides for Modulating Binding of TRP Channel Proteins and TRP-Associated Proteins</b>		
APPLICANT(S) FOR DO/EO/US <b>Jonathan David Garman et al.</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).(executed in counterpart)</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> </ol>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/584,831</b>	INTERNATIONAL APPLICATION NO. <b>PCT/CA04/02193</b>	ATTORNEY'S DOCKET NUMBER <b>026373-000300US</b>																																																																								
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The following fees have been submitted 21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... <b>\$300</b> 22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> All other situations..... <b>\$200</b> 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... <b>\$0</b> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... <b>\$100</b> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... <b>\$400</b> All other situations..... <b>\$500</b>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">CALCULATIONS</th> <th style="text-align: left;">PTO USE ONLY</th> </tr> <tr> <td>\$ 300</td> <td></td> </tr> <tr> <td>\$ 200</td> <td></td> </tr> <tr> <td>\$ 400</td> <td></td> </tr> <tr> <td>(previously paid)</td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).            The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> </tr> <tr> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th>RATE</th> </tr> <tr> <td>374- 100 =</td> <td>274/50 =</td> <td>6</td> <td>x \$250</td> </tr> </table> </td> <td>(previously paid)</td> </tr> <tr> <td>Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$ 130</td> </tr> <tr> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>41 - 20 =</td> <td>21</td> <td>x \$ 50</td> </tr> <tr> <td>Independent claims</td> <td>6 - 3 =</td> <td>3</td> <td>x \$200</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360</td> </tr> </table> </td> <td>           \$ 1050            \$ 600            \$ -0-         </td> </tr> <tr> <td colspan="2">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 1780</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> <td>\$ 890</td> </tr> <tr> <td colspan="2">SUBTOTAL =</td> <td>\$ 890</td> </tr> <tr> <td colspan="2">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>+</td> </tr> <tr> <td colspan="2">TOTAL NATIONAL FEE =</td> <td>\$ 890</td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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05/29/2007 GFREY1 00000113 201430 10584831

01 FC:2617	65.00 DA
02 FC:2615	525.00 DA
03 FC:2614	300.00 DA

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="text-align: center; font-weight: bold;">10/584,831</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center; font-weight: bold;">PCT/CA04/02193</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center; font-weight: bold;">026373-000300US</div>
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a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 20-1430 in the amount of \$ 890 to cover the above fees. A duplicate copy of this sheet is enclosed.

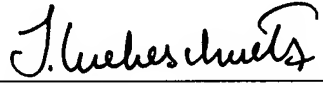
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Joe Liebeschuetz  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834


---

 SIGNATURE  


---

Joe Liebeschuetz  
 NAME  


---

37,505  
 REGISTRATION NUMBER

61058293 v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

026373-000300US  
JOL, PA

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/584,831	Michael Tymianski	026373-000300US

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/CA04/02193

I.A. FILING DATE	PRIORITY DATE
12/22/2004	12/23/2003

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 4093

371 FORMALITIES LETTER

response Due 05/21/07



\*OC000000023005782\*

Date Mailed: 03/21/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/26/2006
- Copy of the International Search Report filed on 06/26/2006
- Small Entity Statement filed on 06/26/2006
- Request for Immediate Examination filed on 06/26/2006
- U.S. Basic National Fees filed on 06/26/2006
- Priority Documents filed on 06/26/2006
- Specification filed on 06/26/2006
- Claims filed on 06/26/2006
- Abstracts filed on 06/26/2006
- Drawings filed on 06/26/2006
- Paper nucleotide sequence listings filed on 06/26/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$825 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

BA

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$890** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 825**
  - **\$300** for **3** independent claims over 3.
  - **\$525** for **21** total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/584,831	PCT/CA04/02193	026373-000300US